

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION

LUTHER STEVEN MONTGOMERY,     )  
  )  
Plaintiff,                                 )  
  )  
v.   ) CIVIL ACTION NO. 23-0130-JB-MU  
  )  
OFFICER JAMES STEWART, *et al.*,     )  
  )  
Defendants.                                 )

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and a *de novo* determination of those portions of the Recommendation to which objection is made, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is **ADOPTED** as the opinion of this Court. It is **ORDERED** that Plaintiff's Complaint be and is hereby **DISMISSED** without prejudice.<sup>1</sup>

**DONE and ORDERED** this 25th day of October, 2023.

/s/ JEFFREY U. BEAVERSTOCK  
CHIEF UNITED STATES DISTRICT JUDGE

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<sup>1</sup> The Court has considered Plaintiff's Motion to Amend (Doc. 13), filed after the Report and Recommendation ("RR"). The Motion is DENIED. To the extent the Motion is intended as additional objection to the RR, it is unresponsive to the substantive bases of the RR.